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LETTER DATED 9 JANUARY 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position with respect to the new developments that have taken place in connection with Iraq's compliance with the Security Council resolutions relating to its aggression against the State of Kuwait since the Council's most recent review of the sanctions regime on 14 November last.

I refer to the letter dated 12 November 1994 from the Minister for Foreign Affairs of Iraq addressed to you (S/1994/1288) transmitting the Declaration of the Iraqi National Assembly of 10 November 1994 and Decree of the Revolution Command Council of the Republic of Iraq No. 200, both affirming Iraq's recognition of the sovereignty and territorial integrity of Kuwait and of its international boundaries as endorsed by the provisions of Security Council resolution 833 (1993). The Kuwaiti Cabinet met on 12 November 1994 under the chairmanship of His Highness the Crown Prince and Prime Minister and with the Speaker of the National Assembly in attendance. It issued a statement expressing its appreciation of the importance of the step taken, one that it had been incumbent on Iraq to take since its unconditional acceptance of Security Council resolution 687 (1991) of 3 April 1991, and affirming that the decision on recognition was a step in the right direction for Iraq's implementation of all the Security Council resolutions relating to its aggression against Kuwait. It had come about as a result of the insistence of the international community, as represented by the Security Council, that Iraq must implement all of the Security Council resolutions, the political and legal unity of whose provisions must be stressed.

The step taken by Iraq must be followed by similar steps for the effective implementation of all the relevant Security Council resolutions, there having been no appreciable change in Iraq's record with respect to the implementation of the remaining obligations imposed by the cease-fire resolution, namely resolution 687 (1991).

An issue to which Kuwait attaches the utmost priority and importance in view of its purely humanitarian character is that of the prisoners and hostages. Despite its seeming cooperation in the issue of prisoners and hostages and its

pro-forma attendance at the meetings of the tripartite committee (which comprises representatives of Iraq, the International Committee of the Red Cross (ICRC) and the Coalition States), Iraq has yet to discharge its obligations under paragraph 30 of resolution 687 (1991), in which the Council decides that Iraq shall extend all necessary cooperation to ICRC by permitting it to visit the places where persons are imprisoned or detained and by facilitating the ICRC search for them. Despite the passage of nearly two years since it took official delivery of some 600 individual files through ICRC, Iraq has not yet responded and has thus violated the undertaking previously given by it to respond to any file within 10 days of receiving it.

Kuwait urges the States members of the Security Council to maintain their resolute positions of principle and to continue their earnest endeavours to compel Iraq to release all Kuwaiti and third-country prisoners and detainees.

Furthermore, Iraq's apparent cooperation in the matter of the return of the property seized during its invasion and occupation of Kuwait must not divert attention from the fact that there are many items, of which lists have been submitted by Kuwait, that have yet to be returned. Most significantly, almost 200 armoured vehicles remain in Iraq's possession and they were used by the Iraqi regime in its recent military deployments near the boundaries with Kuwait. Iraq also maintains its refusal to return the HAWK missile system, which remains in its possession. Kuwait attaches the utmost importance to the return by Iraq of all the official documents stolen by Iraqi forces from the Office of the Amir, the Office of the Crown Prince, the Cabinet Office and the Ministry of Foreign Affairs. No price can compensate for such documents, and they cannot be regarded as property such as that referred to the United Nations Compensation Commission. The Iraqi authorities continue to insist, moreover, that they are not responsible for the return of property stolen from the private sector. The value of that property exceeds hundreds of millions of dollars, and it was dispatched to Iraq on the basis of inventories drawn up by Iraqi ministries and signed and stamped by designated government agencies that came to Kuwait to supervise the theft and removal operations. We have in our possession originals and copies of the documents left behind by the Iraqi regime on its ejection. Iraq has not, moreover, discharged its obligations with regard to the United Nations Compensation Fund, the renunciation of terrorism and the implementation of Security Council resolutions 706 (1991) and 712 (1991).

While Kuwait attaches particular importance to the implementation by Iraq of the provisions of Security Council resolution 949 (1994), which was adopted unanimously by the members of the Council, it would like to affirm that it is important and essential for Iraq to take the necessary steps for the effective implementation of all the Security Council resolutions in order to demonstrate its peaceful intentions towards the State of Kuwait and neighbouring States in a manner conducive to strengthening the foundations of security and stability in this vital region of the world.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nasser S. B. AL-SABEEH
Chargé d'affaires a.i.